

TGFC

GREEN FIELD TRANSPORT CO., INC.

QA-20638

FHWA-97-2299-38

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ADMINISTRATION
LEGS./REGS. DIV.

July 24, 1996

FHWA Docket No. MC-96-18
Federal Highway Administration
Office of the Chief Counsel
HCC-18, Room 4232
400 7th St. S. W.
Washington, D.C. 20590

Re: FHWA Rulemaking
Carrier Comments

Our present system that a motor carrier must comply with, is a system that is bogged down with antiquated compliance regulations, meaningless paper-work accumulation, and regulations that can have multi-interpretations depending on who is doing the interpretation.

The FHWA must get the transportation regulatory system back to focusing on promoting Public Safety and implementing regulations that are simple, but yet effective, meaningful, realistic to adopt to the "real" world, and consistent throughout the Federal and State levels.

The FHWA must develop a Carrier Rating system that is fair and equal. A system based on a new educational standard to assist motor carriers to implement and administer programs focused on Public Safety.

Addressing the area of Federal Regulation interpretations, the FHWA needs to focus on establishing a criteria that puts forth the intent of the Regulations, and a simplified write-up of the regulation that would leave little doubt as to its intent and purpose. It becomes very discouraging to a Safety Compliance office with a motor carrier, to receive the up-dated publications of the Federal Motor Carrier Safety Regulations on a regular basis, and then also have to obtain a copy of the Regulatory Guidance for the Federal Motor Carrier Safety Regulations to assist in trying to determine what the purpose and interpretation of a specific regulation is. Most Safety Compliance officers associated with a motor carrier are aware that every Safety Specialist with the FHWA is also issued a copy of interpretation

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to the Federal Safety Regulations. This criteria should be combined in a simplified method so that all persons implementing and administering regulations in promoting Public Safety are on the same "playing field". Once this is established, a sound basic foundation can be established to address a fair and equitable Carrier Rating System.

It is of my opinion that a Carrier Rating System should be based on a performance-orientated criteria. A carrier should be rated on procedures and the administration of such procedures and policies that are set up with-in each individual motor carrier's systems. We are continually working with the human factor and to assure that the proper educational factors are in place and administrated are of vital importance to assist in minimizing violations. More value should placed on the carrier that is doing all possible to address Public Safety than the carrier that has nothing or only minimal practices in place.

Accident ratios are an important factor in carrier ratings, and are a substantial rating device. But of equal importance to the ratios, are again, the educational procedures and policies that are in place and how they are being administrated. We in the Safety Compliance area realize that we are never going to completely eliminate accidents. But it is certainly our responsibility to do all possible to minimize the numbers of accidents and the severity. Educational policies, procedures, and administration are of equal importance in dealing with the human factor, as are the ratios.

The rating system has to move away from "paper work" compliance to a performance oriented system. Although certain paper-work is important to being in compliance, it certainly can not have the same effect on a carrier rating as methods established and administrated to promote and protect Public Safety. Much of the paper work that we are required to generate and are rated on, is paper work that is never used. But Public Safety is a continuing, on-going process, and how a carrier addresses this issue is far more important than if the "proper" paper-work is sitting in the Compliance File.

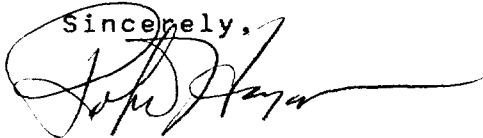
We are all very aware of the efforts and studies being conducted in "Ground Zero" to up-date our antiquated regulations. Many positive aspects affecting the trucking industry will come out of these studies and changes. The same needs to be done with the Carrier Rating system.

Once the "smoke" has cleared and the final decisions are made and implemented, the FHWA has to take a very solid educational approach with the motor carrier. It has to take a very solid approach in the implementation not only from the Federal level, but down through the state and local levels. All enforcement agencies have to have consistency in administrating the final regulations.

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Courtesy audits or mandatory educational seminars have to be conducted to enable the FHWA and the motor carrier to work together in promoting Public Safety. This is vitally important to assure that the regulations are being administered in the way they were intended, and that the proper and effective methods are in place to administrate and educate their intent. The carrier needs to know where the FHWA is coming from and where they stand on the issue of Public Safety; the FHWA needs to know what the motor carrier is doing to comply. Once the basic, mutual foundations are in place, and the carrier is given the chance to implement corrective actions to be in compliance, then and only then will the FHWA and the motor carrier have a mutual, working goal. The majority of the motor carriers want to be in compliance and do what-ever is necessary to comply. But the industry is confused and running "scared" because the present emphasis is geared towards violation finding and fine structures. The FHWA can not be viewed as strictly an enforcement agency, but one of mutual respect and assistance, working with the individual motor carrier to address a common goal; assurance that Public Safety is foremost in everyone's administrative structure.

Sincerely,



Robert D Higgins
Director Of Safety
Green Field Transport Co., Inc.

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